

EXHIBIT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CYNTHIA RUSSO, LISA BULLARD,
RICARDO GONZALES, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 38 HEALTH AND
WELFARE FUND, INTERNATIONAL
UNION OF OPERATING ENGINEERS
LOCAL 295-295C WELFARE FUND, AND
STEAMFITTERS FUND LOCAL 439, on
Behalf of Themselves and All Others Similarly
Situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No. 17-cv-2246

Judge Edmond E. Chang
Magistrate Judge Sheila Finnegan

**DECLARATION OF MICHAEL S. LEIB
IN SUPPORT OF WALGREENS'
MOTION TO STRIKE OR EXCLUDE
THE OPINIONS AND TESTIMONY OF
SUSAN A. HAYES PURSUANT TO
FEDERAL RULES OF EVIDENCE 702
AND 403 AND FEDERAL RULE OF
CIVIL PROCEDURE 26**

I, Michael S. Leib, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at the law firm of Reed Smith LLP and admitted to practice before this Court. I submit this Declaration in support of Defendant Walgreen Co.'s Motion to Strike or Exclude the Opinions and Testimony of Susan A. Hayes Pursuant to Federal Rules of Evidence 702 and 403 and Federal Rule of Civil Procedure 26. I have personal knowledge of the facts set forth herein and could testify competently to them if called to do so.

2. Attached as **Exhibit A** is a true and correct copy of excerpts of the January 17, 2023 deposition of Lynette Hilton, Ph.D.

3. Attached as **Exhibit B** is a true and correct copy of excerpts of the August 11, 2023 deposition of Lynette Hilton, Ph.D.

4. Attached as **Exhibit C** is a true and correct copy of the March 8, 2023 excerpts of the March 8, 2018 deposition of Susan Hayes in *Castellano v. HEB Grocery Company*, Cause No. C-1166-16H (389th Dist. Ct. Hidalgo County, TX).

Executed on this 14th day of September, 2023, in New York, New York.

/s/ Michael S. Leib
Michael S. Leib

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

s/ Michael S. Leib
Michael S. Leib